

# **Exhibit 8**

## Kimberly Culp

---

**From:** Charlene Morrow  
**Sent:** Monday, July 07, 2008 1:03 PM  
**To:** 'Warnecke, Michael O. (Perkins Coie)'; Virginia DeMarchi  
**Cc:** Kimberly Culp; Bernard, Debra R. (Perkins Coie); McMillion, Brandy R. (Perkins Coie); Yurasek, Jason A. (Perkins Coie)  
**Subject:** RE:

Michael:

Thank you for your message. Given the deadlines in the case, and the fact that you moved on issues on which expert testimony is commonly proffered, we do not think your timing suggestion works. If you or your other team members have alternate suggestions on how to proceed, please let us know. Otherwise, we will go ahead with our request to the court.

Again, my condolences.

Regards, Charlene

---

**From:** Classon, Kay (Perkins Coie) [mailto:kclasson@perkinscoie.com] **On Behalf Of** Warnecke, Michael O. (Perkins Coie)  
**Sent:** Monday, July 07, 2008 9:08 AM  
**To:** Virginia DeMarchi  
**Cc:** Charlene Morrow; Kimberly Culp; Bernard, Debra R. (Perkins Coie); McMillion, Brandy R. (Perkins Coie); Yurasek, Jason A. (Perkins Coie)  
**Subject:**

Virginia,

This is in response to your request that we agree to continue the summary judgment hearing until "after September 12" which as you know in effect, because of the Court's schedule, will likely be October or November. Since one of the reasons that we filed an early summary judgment is that we believe it raises a largely legal issue regarding whether or not the Gorillapod has a protectible trade dress, we think an early adjudication of that issue may dispose of the case. We are also concerned that the legal expenses in this case are becoming unreasonable in light of our view of the value of the case given Tocad's rather insignificant sales and gross profits. Hence, unless Joby will agree to stay discovery except as may be necessary as set forth in a Rule 56(f) affidavit pending resolution of the summary judgment, we cannot agree to an extension.

Please note that since I am at the funeral today, please make sure to copy Debra on any correspondence and email as I will be unreachable for much of the day.

## Mike

---

**Michael O. Warnecke | Perkins Coie LLP**  
131 S. Dearborn Street, Suite 1700  
Chicago, IL 60603  
Telephone: (312) 324-8549  
Fax: (312) 324-9549  
Email: mwarnecke@perkinscoie.com

NOTICE: This communication may contain privileged or other confidential information. If you have received

7/7/2008

it in error, please advise the sender by reply email and immediately delete the message and any attachments without copying or disclosing the contents. Thank you.